

**Department of Agriculture  
Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10:00 a.m. Wednesday, December 19, 2007, in the 4th floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed Feed, Seed and Weights and Measures regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at [lgarner@kda.state.ks.us](mailto:lgarner@kda.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

Summary of Feed regulations:

**K.A.R. 4-3-47** – The proposal updates references to the current edition of the Association of American Feed Control Officials, which is adopted by reference.

**K.A.R. 4-3-49** – The proposal updates references to Parts 225 and 226 of title 21 of the Code of Federal Regulations. Title 21 was updated, which is adopted by reference.

**K.A.R. 4-3-51** – The proposal update references to Part 589 of title 21 of the Code of Federal Regulations. Title 21 was updated, which is adopted by reference.

There is no anticipated economic impact on other Government Agencies and upon private business or individuals.

Summary of Seed regulations:

**K.A.R. 4-2-8** – The proposal update references to the current edition of the Rules for Testing Seeds published by the Association of Official Seed Analysts, which is adopted by reference.

**K.A.R. 4-2-20** – The proposal update references to the current title 7 the Code of Federal Regulations, which is adopted by reference.

There is no anticipated economic impact on other Government Agencies and upon private business or individuals.

Summary of Weights and Measures regulations:

**K.A.R. 99-25-1** – The proposal update references to the 2007 edition of the National Institute of Standards and Technology Handbook 44, which is adopted by reference.

**K.A.R. 99-25-9** – The proposal update references to the 2006 edition of the National Institute of Standards and Technology Handbook 130, which is adopted by reference.

**K.A.R. 99-25-11** – The proposal further defines motor fuels such as biodiesel, biodiesel blends

and ethanol blends.

There is no anticipated economic impact on other Government Agencies and upon private business or individuals.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting the Department of Agriculture, Leslie Garner, 109 SW 9<sup>th</sup> St., 4<sup>th</sup> Floor, Topeka, KS 66612 or (785) 296-4623 or by accessing the department's Web site at <http://www.ksda.gov>. Comments may also be made through our website under the proposed regulation.

Adrian J. Polansky  
Secretary of Agriculture

**KANSAS DEPARTMENT OF AGRICULTURE  
ECONOMIC IMPACT STATEMENT**

**Proposed new and amended regulations:**  
99-25-1; 99-25-9; 99-25-11

**Summary of the proposals and what is to be accomplished by its adoption.**

**K.A.R. 99-25-1** – The proposal update references to the 2007 edition of the National Institute of Standards and Technology Handbook 44, which is adopted by reference.

**K.A.R. 99-25-9** – The proposal update references to the 2006 edition of the National Institute of Standards and Technology Handbook 130, which is adopted by reference.

**K.A.R. 99-25-11** – The proposal further defines motor fuels such as biodiesel, biodiesel blends and ethanol blends.

**This proposal is not mandated by federal law as a requirement for participating in a federally subsidized or assisted program.**

**This proposal conforms to Kansas Law regarding rules and regulations to be adopted by the Secretary of Agriculture.**

**The financial impact of the adoption of the proposed amendments for the Kansas Department of Agriculture**

No direct or indirect costs to the agency.

**The financial impact of the adoption of the proposed amendments for other governmental agencies or units.**

No direct or indirect costs to other governmental agencies or units are anticipated.

**The financial impact of the adoption of the proposal on regulated entities.**

No direct or indirect costs to regulated entities are anticipated.

**The financial impact of the adoption of the proposed regulations for private citizens including consumers of the products or services that are subject to the regulations or their enforcement**

No direct or indirect costs to private citizens are anticipated.

**Less costly or less intrusive methods considered by the Kansas Department of Agriculture.**

No other methods were considered by the Kansas Department of Agriculture for achieving the stated purpose of these changes.

**Anticipated impact on cities, counties or school districts.**

These changes will not increase or decrease revenues of cities, counties or school districts. It does not impose functions or responsibilities on cities, counties or school districts.

#### **ENVIRONMENTAL BENEFITS STATEMENT**

An environmental benefits statement is not required since the proposed regulation, while proposed for adoption by the Secretary of Agriculture, deals with weights and measures and does not have as its primary purpose the protection of the environment.

**K.A.R. 99-25-1. Adoption by reference, exceptions; availability of copies.** (a) Except for the codes pertaining to grain moisture meters, secs. 5.56(a) and 5.56(b), and the use requirements for ticket printers on vehicle-tank meters, sec. 3.31.UR.2, the “specifications, tolerances, and other technical requirements for weighing and measuring devices, as adopted by the 88<sup>th</sup> 91<sup>st</sup> national conference on weights and measures ~~2004~~ 2006,” including the appendices, published by the national institute of standards and technology, Washington, D.C., as the ~~2004~~ 2007 edition of the national institute of standards and technology handbook 44 and issued in ~~November 2003~~ October 2006, is hereby adopted by reference and shall apply to commercial, data-gathering, and weighing and measuring devices in the state.

(b) Each vehicle-mounted metering ~~systems~~ system manufactured on or after January 1, 1995 shall be equipped with a ticket printer. A copy of the ticket issued by the vehicle-mounted metering system shall be given to the customer at the time of delivery or as otherwise specified by the customer.

(c) Copies of the handbook adopted by this regulation or pertinent portions from it shall be available from the office of weights and measures, Kansas department of agriculture, Topeka, Kansas. (Authorized by ~~K.S.A. 2004 Supp. 55-442 and K.S.A. 83-207~~; and implementing ~~K.S.A. 2004 Supp. 55-442, K.S.A. 83-207, K.S.A. 83-215, K.S.A. 2004 Supp. 83-304, and K.S.A. 2004 Supp. 83-404~~; effective May 1, 1979; amended May 1, 1981; amended May 1, 1986; amended Aug. 14, 1989; amended Oct. 21, 1991; amended March 6, 1998; amended March 5, 1999; amended Jan. 18, 2002; amended Aug. 26, 2005; amended P-

\_\_\_\_\_.)

**K.A.R. 99-25-9. Adoption by reference.** Except as specified in subsection (c), the following uniform regulations published by the national institute of standards and technology, Washington, D.C., in the ~~2004~~ 2006 edition of national institute of standards and technology handbook 130 titled “uniform laws and regulations in the areas of legal metrology and engine fuel quality, as adopted by the 88<sup>th</sup> 90<sup>th</sup> national conference on weights and measures ~~2003~~ 2005,” and issued in October ~~2003~~ 2005, are hereby adopted by reference and shall apply to weighing and measuring devices in the state: (a) “Uniform packaging and labeling regulation”;

(b) “uniform regulation for the method of sale of commodities”; and

(c) “uniform engine fuels, petroleum products, and automotive lubricants regulation,”

except for ~~the following~~ sections:

~~(1) Sec. 2.2, which pertains to diesel fuel. However, this exception to the adoption by reference shall be in effect only through December 31, 2005; and~~

~~(2) secs. 3.2.6 and 3.8, which pertain to oxygenates and fuel ethanol.~~

Copies of the adopted material or the pertinent portions of it shall be available from the office of weights and measures, Kansas department of agriculture, Topeka, Kansas. (Authorized by ~~K.S.A. 2004 Supp. 55-442 and K.S.A. 83-207; and~~ implementing ~~K.S.A. 2004 Supp. 55-442; K.S.A. 83-207, K.S.A. 83-215, K.S.A. 2004 Supp. 83-304, and K.S.A. 2004 Supp. 83-404;~~ effective Jan. 18, 2002; amended Aug. 26, 2005; amended P-\_\_\_\_\_.)

**K.A.R. 99-25-11. Motor fuel defined.** “Motor fuel” shall include the following fuel products used for the generation of power in an internal combustion engine, in addition to the fuel products specified in K.S.A. 55-422 and amendments thereto: (a) B100 biodiesel fuel;

- (b) biodiesel blended fuels, including B10 and B20;
- (c) gasoline-ethanol blended fuels, including E10 and E85; and
- (d) diesel-ethanol blended fuels. (Authorized by and implementing K.S.A. 55-422, as amended by L. 2007, ch. 180, § 1; effective P-\_\_\_\_\_.)